

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ORIGINAL

Filed at 10:00 AM
DATE 7/21/03
DEPUTY CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

ADT SECURITY SERVICES, INC.)

Plaintiff,)

V.)

DAVID A. TAYLOR)

Defendant.)

CIVIL ACTION FILE NO.
5:01-CV-0246-1

Civil Order File
Volume 87
Page 9126

**FINAL JUDGMENT AND PERMANENT
INJUNCTION AGAINST DAVID A. TAYLOR**

WHEREAS, Plaintiff ADT Security Services, Inc. ("ADT") commenced this action on June 27, 2001 by filing a Complaint for a Permanent Injunction and other relief against David A. Taylor ("Defendant").

WHEREAS Plaintiff's Complaint alleged that Defendant: Engaged in Trademark and Lanham Act violations as prohibited by 15 U.S.C. § 1114 and 15 U.S.C. § 1125; Violated the Uniform Deceptive Trade Practices Act; Tortiously interfered with ADT's contractual and business relationships; Converted property belonging to ADT; Engaged in common law unfair competition; and Committed fraud upon ADT and ADT's customers;

WHEREAS Plaintiff moved for a Preliminary Injunction pursuant to Federal Rules of Civil Procedure 65 after serving said Defendant with the Complaint in this action and having notified Defendant of the hearing on Plaintiff's Motion.

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WHEREAS, the Court held a hearing on Plaintiff's Motion on July 26, 2001. After hearing arguments from the Plaintiff and Defendant, having received evidence under oath and upon full consideration of the record and all submissions and arguments of the Plaintiff and Defendant, the Court entered an Order granting Preliminary Injunction against Defendant, his agents, servants, employees, and attorneys and upon those persons in active concert or participation with him.

WHEREAS the Parties desire to enter a Final Judgment and Permanent Injunction ("Final Judgment and Permanent Injunction").

THEREFORE, the Court, being advised in the premises, now finds:

1. This is an action by ADT Security Services, Inc. instituted under 15 U.S.C. § 1114 and 15 U.S.C. § 1125. The Complaint alleges that Defendant engaged in unfair or deceptive acts, tortiously interfered with ADT's contractual and business relationships, converted property belonging to ADT and committed fraud upon ADT and ADT's customers. The Complaint seeks both permanent injunctive relief and monetary relief.
- 2 This Court has jurisdiction over the subject matter of this case, and jurisdiction over Defendant Taylor. Venue as to Defendant Taylor in the Middle District of Georgia is proper.

3. Plaintiff's Complaint states a claim upon which relief may be granted.
4. Process and service of process as to Defendant is proper.
5. Entry of this Order is in the public interest.
6. All Parties consent to the entry of this Final Judgment and Permanent Injunction.

ORDER

I.

PROHIBITED ACTIVITIES

IT IS HEREBY ORDERED that Defendant Taylor and his agents, servants, employees, attorneys, successors, assigns, and other entities or persons directly or indirectly under his control, and all persons or entities in active concert or participation with him who receive actual notice of this Order by personal service, facsimile or otherwise, are hereby permanently restrained and enjoined from:

- A. Contacting existing ADT customers;
- B. Contacting and/or tortiously interfering with the customers of ADT;
- C. Inducing or attempting to induce any customers of ADT Security Services, Inc., to breach their contracts or other business relationships with ADT;
- D. Using or disseminating Plaintiff's name or any ADT

marks, copyrights, trademarks, service marks and/or trade names;

- E. Utilizing any database information regarding ADT's customers (including, without limitation, customers' names, rates charged, end user addresses, names, telephone numbers, security codes, contact persons, relatives, and all other information normally given when a home security device is installed) or any other confidential and proprietary information.
- F. Representing, suggesting or inferring that he or any of the goods or services he sells or maintains have any affiliation with ADT, its officers or dealers.
- G. Converting, tampering with or in any way altering equipment or property owned by ADT.
- H. Using any and all telephone numbers that indicate or suggest that Defendant is affiliated with ADT, including but not limited to telephone number 1-866-300-7488.
- I. Engaging in deceptive trade practices to defraud ADT and/or its Customers.

MONITORING OF COMPLIANCE

II.

IT IS FURTHER ORDERED that Defendant shall, within five (5) days after receipt of a written request from ADT and/or its

representatives,

- A. Permit representatives of Plaintiff ADT to interview or depose him or any officers, directors, agents, representatives or employees or any entity owned or controlled in whole or in part by Defendant Taylor for the purpose of determining compliance with the terms of this Order, subject to the reasonable convenience of Defendant and/or the person to be interviewed, and without restraint or interference from Defendant, at a location reasonably convenient to the person being interviewed or deposed, Defendant and ADT. The person being interviewed or deposed may have counsel present.

Provided, however, that ADT may otherwise monitor Defendant Taylor's compliance with this Final Judgment and Permanent Injunction at any time by taking depositions, issuing subpoenas or other requests for the production of documents, or, without any requirement of identification or providing prior notification to Defendant or his counsel, monitor by any lawful activity, including but not limited to the use of investigators, any business that Defendant, in whole or in part, owns, manages or controls.

IT IS FURTHER ORDERED that

- (A) Defendant shall inform ADT in writing, within ten (10) days of the date of entry of this Final Judgment and

Permanent Injunction of his current residence address and employment status, including the names, business addresses and telephone numbers of any current employers.

COSTS AND ATTORNEYS FEES

III.

IT IS FURTHER ORDERED that each party to this Final Judgment and Permanent Injunction bear its own costs and attorneys fees incurred in connection with this action; *provided however*, in the event Plaintiff initiates proceedings to enforce the provisions of this Final Judgment and Permanent Injunction and *provided further* the Court determines that Defendant has violated any term or provision of this Final Judgment and Permanent Injunction, the Defendant shall pay the costs and attorneys fees incurred by Plaintiff in connection with proceedings to enforce this Final Judgment and Permanent Injunction.

CONTINUING JURISDICTION

IV.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes.

DISMISSAL WITHOUT PREJUDICE

V.

Upon entry of this Final Judgment and Permanent Injunction, the Parties have agreed that Plaintiff will file with the Clerk

of Court a Dismissal Without Prejudice of its Complaint against David A. Taylor.

STIPULATION

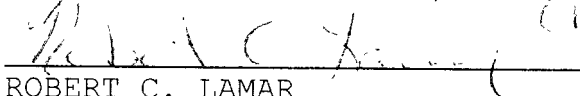
VI.

The parties hereby stipulate and agree to entry of the foregoing Order, which shall constitute a final judgment in this action as to Defendant David A. Taylor.

SIGNED AND STIPULATED BY:

DATED: 7/16/03

LAMAR, ARCHER & COFRIN, LLP


ROBERT C. LAMAR

GA State Bar No. 431175
50 Hurt Plaza, Suite 900
Atlanta, Georgia 30303
Attorneys For Plaintiff ADT

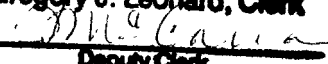
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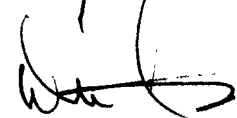
DATED: 7/3/03



DAVID A. TAYLOR
190 Stars Mill Drive
Senoia, Georgia 30276

SO ORDERED this 18 day of July, 2003. 4:00 o'clock P.M.

ENTERED ON DOCKET
7-21-03
Gregory J. Leonard, Clerk

Deputy Clerk


Honorable Duross Fitzpatrick
Judge, United States District Court

Presented by Robert C. Lamar

Lamar, Archer & Cofrin, LLP
The Hurt Building
50 Hurt Plaza, Suite 900
Atlanta, Georgia 30303
Georgia State Bar No. 431175

Consented to by David A. Taylor

190 Stars Mill Drive
Senoia, Georgia 30276

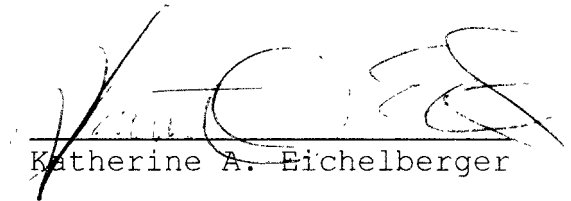
CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing Final Judgment and Permanent Injunction upon the following Defendant:

David A. Taylor
190 Stars Mill Drive
Senoia, Georgia 30276

by depositing same in the United States mail with adequate postage thereon to assure proper delivery.

This 16 Day of July, 2003



Katherine A. Eichelberger